89- 1460

Supreme Court, U.S.
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In The

SUPREME COURT OF THE UNITED STATES

October Term, 1989

BETSEY WARREN LEBBOS,

Petitioner

vs.

SAN JOSE MUNICIPAL COURT

Respondent

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

BETSEY WARREN LEBBOS
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January 21, 1990

Petitioner Attorney
Pro Se

QUESTIONS PRESENTED

1. May a state imprison a validly licensed attorney for not " actively " associating with a state bar association, beyond the payment of dues, or do principles of freedom of association, speech, belief, opinion, thought as addressed in Lathrop v. Donohue, 367 US 820, 6 L. Ed. 2d. 1191, 81 S. Ct.1826 (1961), and the Sherman Anti-Trust Act void state statutes which seek to compel "active" enrollment with a bar group, other than pay it dues, by imprisoning licensed attorneys if the bar group involuntarily enrolls the attorney as " inactive " in membership with their group ?

2. Does a state muncipal court judge have jurisdiction to order an attorney not to use any of her valid licenses to practice law in state courts and the United States Courts, or do the principles of Ex Parte

Robinson 19 Wall. 513 (1873); Bradley v.Fisher, 13 Wall. 335, 20 L. Ed. 646 (1870), require that due process of law requires action, and for causes of misconconduct, by an attorney's admitting courts ?

3. Do the principles of Eubank v.Richmond 226 U.S. 142 prohibiting delegation of legislative authority to private persons void a statute ordering a state bar association to create a state bar court ?

4. May a state pass statutes and rules allowing a non-lawyer or lawyer volunteer of a trade group to enter "orders" without notice or hearing, depriving a licensed attorney of the right to use their valid licenses to practice law, by claiming to make them " inactive" in membership with the trade group ?

5. Is the standard of " conduct posing a substantial threat of harm to the inter-

ests of the Public," as grounds for " inactivity," by a bar volunteer, overly broad, both on its face and as applied to Freedom of speech and privileged conduct, and/ or is the standard unconstitutionally vague ?

6. Is allowing a volunteer of a bar association the right to take the right to work of lawyers for " conduct posing a substantial threat of harm to the interests of the Public," an unlawful delegation of Public policy matters to a private person ?

LIST OF PARTIES

The parties in the Petition for hearing of Denial of Habeas Corpus are as follows:

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SAN JOSE MUNICIPAL COURT
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A courtesy copy is also submitted to the following:

JUSTICES OF THE SUPREME COURT
California Supreme Court
350 McAllister Street
San Francisco, Ca. 94102

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No._____

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PETITION FOR A WRIT OF CERTIORARI

TO THE SUPREME COURT OF CALIFORNIA

Your Petitioner Attorney Betsey Warren Lebbos respectfully prays that this Court issue its Writ of Certiorari to void uncontitutional restraints on an attorney's right to use her valid licenses to practice law granted throughout the United States, said restraints issued by a state municipal court judge, on conviction of a newly created misdeameanor, ordering an

attorney not to use her valid licenses to practice law throughout the United States for three years, although the attorney is neither suspended nor dis-disbarred. (1) Appendix, p. 4.

All references hereinafter, unless otherwise indicated, are to provisions of the California Business and Professions Code. The right to practice law is from the licensing from a state supreme court, and not from a bar association. Sections 6064, 6078. A new criminal statute makes it a crime to practice law if an attorney is involuntarily enrolled as inactive in California state bar membership. (2)

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(1) People v. Lebbos, San Jose Municipal Court, Santa Clara County, Case no. C 8914178.

(2) Section 6126 (b),1988, provides,"Unauthorized practice; advertising or holding out; penalties, (b) Any person who has been involuntarily enrolled as an inactive member of the state bar...and thereafter holds himself or herself out as practicing or otherwise entitled to practice law is guilty of a crime punishable by imprisonment in the state prison or county jail."

Involuntary inactivity is not related to dues payment. Appendix 2-3. Nor is it related to any findings of professional misconduct, suspension or disbarment. Appendix, p. 1.

The issue is whether an attorney's first amendment rights of freedom of association, belief, speech, and opinion are violated by forcing them, under pains of imprisonment, to associate "actively" with a private trade group, as a condition of using her unrestricted licenses to practice law, and to believe in and swear to the trade group's state bar court of opponent and competitor opponents. refer footnotes 4-8.

California has passed new statutes and rules delegating use of valid state supreme court licensing of " Court Officers," to any private opponent or competitor vol-

unteer of the state bar association. (3)

Your Petitioner Attorney requests this Court hear and determine the first attempt in the United States to place attorneys under the control of their own private opponents and competitors and cause their imprisonment, and the constitutionality of compelled " active" enrollment, other than pay it dues, with a state bar association run and controlled by attorney's opponents and competitors, and forcing allegiance to

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(3)
Ca. Business and Professions Code sec. 6001, 6002, 6004, 6005, 6006,6007 (c),6007 (d), 6007 (e), 6007 (f),6007 (g),6007 (h), 6086.5, 6079.1, 6125, 6126 (b), Art.6, sec. 9, Ca. Constitution, State bar rules of procedure,(1989), rules 100, 789-799.

The Chairman of the Senate Committee on Businesses and Professions, Senator Montoya, has been indicted by the Federal Grand Jury and is on trial on 12 criminal counts of demanding cash for legislation. The charges are extortion, racketeering, and money laundering.

it's private state bar court. (4)

This Petition to review, by way of Habeas Corpus, the placement of judicial power in any volunteer of the trade group to take the right to work of any licensed lawyer, without notice or hearing, and with no right to raise any legal issues, and imprison their opponents and competitors, is the natural result of the political, lobbying, and claimed statutory activities, whose constitutionality, without

(4) Sections 6010-6015 provide the state bar is governed by 22 private persons, 16 lawyers and 16 non-lawyers, known as the " board of governors." Section 6086.5, in effect from 1985-1988, provided," The board of governors may establish one or more committees, known as the state bar court, to act in its place and stead." From 1962 to 1985, this statute provided, " The board of governors may establish one or more committees, known as disciplinary boards." In 1985, the state bar also amended section 6007 to empower it to make attorney's inactive, for other than involuntary treatment or confinement, but as " harms to the Public." In 1988, 6086.5 was amended to now provide, " The board of governors shall create a State Bar Court to act its place and stead...."

the consent of automatic members, is addressed in Keller v. state bar, United States Supreme Court, docket no. 88-1905, now pending. This Petition is the natural extension of that case.

Petitioner Attorney respectfully requests this court review the order denying a hearing on the Petition for Habeas Corpus entered January 3, 1990 by the state supreme court, and declare the new criminal statute unconstitutional and void the restraints on the Petitioner Attorney's rights to work and use her valid licenses to practice law from her admitting courts. Appendix, p. 5.

I.

OPINIONS BELOW

The state supreme court upheld the constitutionality of the civil involuntary enrollment statute in Conway v. state bar, 47 Cal.3d. 1107. Appendix, p. 6-27. Peti-

tioner Attorney's Petitions to void the ex parte inactivity in her case, to void her opposing party and counsel, state bar, bringing frivolous proceedings, invading her freedom of speech, and the Petitions, including their denial of Habeas Corpus, to declare the criminal statute unconstitutional and a violation of the Sherman Anti-Trust Act, have all been denied. (5)

The Appellate department of the Superior court denied the Petition for Habeas

(5) The Petitions denied : to disqualify the state bar as interested opposing counsel, Ca.Sup.Ct. nos. S005630, S006672; to void the private state bar court, Lebbos v. state bar, Ca.Sup.Ct.no.S008517; to void the ex parte inactivity, Lebbos v. state bar, Ca.Sup.Ct.no.S009045; to process the underlying disciplinary matter Lebbos v.state bar, Ca.Sup.Ct.no.S009238; to review the ex parte inactivity statute, Lebbos v.state bar, Ca.Sup.Ct no.S009842; to rule on the criminal statute's unconstitutionality Lebbos v.state bar,Ca.Sup. Ct.no. S011594, United States Supreme Ct. no.89-5950; and denial of the Petition for Habeas Corpus challenging preventing the Petitioner Attorney working in the entire country, when she has never been found guilty of any misconduct, Lebbos v. San Jose Municipal Ct, Ca.Sup.Ct.no. S012801.

Corpus, Appendix p. 28-29. The Court of Appeals for the Sixth District denied a Petition twice. Appendix, p. 30-31. The state supreme court denied a hearing on the Petition for Habeas Corpus January 3, 1990. Appendix p. 5. The Petition to the state supreme court is appended hereto at Appendix p. 32-37.

The Petition to the Court of Appeals is attached hereto at Appendix p. 38-50.

II.

JURISDICTION

The jurisdiction of this court is invoked under 27 U.S.C. s. 1257 (3), and based on Konigsberg v. State bar of California, (1957) 353 U.S. 252; Largent v. Texas, 318 U.S. 418 (1943), and Lawrence v. State Tax Commission, 286 U.S. 276, 282-283, where the denial of removal of the restraints on liberty necessarily sustains the state statutes against claims

of violation of United States Constitutional rights.

United States Supreme Court rule 19 (a) is invoked where a state court has decided Federal questions of substance not heretofore determined by this court, and, as to Federal issues already decided by this court, it has decided them contrary to the rulings of this Court.

This Petition for a Writ of Certiorari is docketed with this Court within 90 days from the denial of the Petition for Hearing of the denial of Habeas Corpus by the state supreme court, made and entered January 3, 1990. (Appendix, p. 5)

III.

CONSTITUTIONAL AND SHERMAN ANTI-TRUST ACT PROVISIONS INVOLVED

UNITED STATES CONSTITUTION

Amendment 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of

the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment V." No person shall be deprived of life, liberty, or property, without due process of law."

Amendment XIV. " No state shall make or enforce any law which shall abridge the Privileges and Immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its'jurisdiction the equal protection of the law."

Article I, section 10, clause 1. No State shall pass any Bill of Attainder, ex post facto Law, or Law impairing the obligation of Contracts.

Article IV, s. 2. 1. The Citizens of each state shall be entitled to all Privileges and Immunities of Citizens in the several states.

Article IV,section 2: " This Constitution, and the laws of the United States which shall be made in pursuance thereof..shall be the supreme Law of the Land; and the judges in every state shall be bound there by, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Article IV.s. 4." The United States shall guarantee to every State in this Union a Republican Form of Government and shall protect each of them against invasion. "

THE SHERMAN ANTI-TRUST ACT

15 U.S.C. section 1

Every contract, combination, in the form of Trust, or otherwise, or conspiracy in restraint of Trade or Commerce among the several states, is declared to be illegal.

The state statutes are set forth in the body of this Petition.

IV.

STATEMENT OF THE CASE

The Petitioner is an attorney admitted and licensed to practice law for 18 years. She has no disciplinary record, no mal-practice, and no client complaints in eighteen years. Her license to practice law was granted in 1975 by the state supreme court of the state of California and authorizes her to practice law in all the courts of the state. Appendix, p. 1. She is neither suspended nor disbarred. She paid her active state bar dues,

Appendix p. 2-3.

Your Petitioner is and has been the party opponent since 1986 in on-going civil litigation with the state bar concerning their practices unrelated to any disciplinary matters concerning the attorney. Lebbos v. State bar, Sixth Appellate District Court, docket no. H003047 (decision for attorney and against state bar May 11, 1989), and Lebbos v. state bar, First Appellate District Court, docket no. A044660 (suit for refusal to stop embezzlements by bar politicians in exchange for votes and dues)

In 1986 the Petitioner attorney was the victim of mail theft and embezzlements through an unlawful change of address by a debt collection attorney receiver appointed by the local Superior Court. He is now in jail. Lebbos v. Judges, Santa Clara

Superior Court, 833 F. 2d. 810 (1989) (Ninth Circuit).

The defendant attorneys complained to the state bar the Petitioner Attorney sued them. Appendix,p.52. As also opposing counsel and party in on-going Civil Rights litigation, the state bar combined with these Federal Court attorney defendants. They then brought their charges before an alleged "state bar court."(6) Appendix,p.52.

Defendant Attorney Miller then sponsored a motion with the local bar for the state bar to continue to handle discipline and for it to obtain more mandatory dues. Appendix, p. 51. On their face, almost all of their charges concern freedom of

(6) Refer footnote 4 for private composition of state bar board. Sections 6010-6013. Under Eubank v.Richmond, 226 U.S. 142 section 6086.5 delegating to these private persons the right to create their own private court is an unlawful delegation of public power to private persons, under the fifth and fourteenth amendment Due Process clauses, US Constitution.

speech. Appendix, p. 53.

The attorney refused to swear oath to the alleged " state bar court." (7)

The " Courts" enumerated in the state Constitution are "the state supreme court, the courts of appeals, superior courts, municipal courts, and the justice courts." Art. 6, sec. 1, Ca. Consti. 24 years ago the People deleted in their Constitution any legislative authority to create any Courts. Art. 6, section 1, Ca. Consti.

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(7) She stated at the disciplinary hearing the following: " The voters of the State of California have not empowered this entity to call itself State bar Court. All these proceedings are void ab initito." (SB " Court " proceedings, p. 3016: 25-28, 3017: 1-2); " The Entity maintaining these proceedings does not exist. It calls itself a State Bar Court. By law, under the California Constitution, they are not empowered to call themselves a State Bar Court. The State Bar Court is void, it has no authority to compel anybody to testify or appear or issue any subpoenas inasmuch as it is a non-existent entity." (3015: 20-25, 3016: 1; " You have no authority to ask me any questions whatsoever. The State Bar Court is non-existent, it is

An attorney's oath of office is stated in section 6067, as follows:" Every person on his admission shall take an oath to support the Constitution of the United States and the Constitution of the State of California." refer Appendix p.1.

Footnote 7 (continued)

void, it is a fraud on the public for the State Bar to call itself a court when it is an administrative body and has no authority. All of these proceedings being main tained in the name of State Bar Court is a fraud, rendering all of these proceedings any attempt to compel anybody or any lawyer, or any witness throughout the entire state to come in here on any charge is void by reason of the fact you are no court.The entity is non-existent" (3021: 8-18);"Furthermore,I refuse to submit to the general jurisdiction of a void entity, as well as an entity that is my opposing counsel and party in two on-going litigations that precedes this, although my record is total ly clean" (3016: 5-9); " These proceedings have been maintained by an entity that calls itself the state bar court. In accordance with Article 5 (sic -6) of the California Constitution, the only courts that are created in the state of California are created by the California Constitution. And the state bar has not been created by the California Constitution. It passed a statute claiming that it could
(continued next page)

Thus, the issue of this court's decision in Norton v. Shelby County, 118 U.S. U.S. 454, 6 S. Ct. 1121, 30 L. Ed. 178, wherein this court stated the acts of a de facto court are void, was presented. (" for the existence of a de facto officer, there must be an office de jure

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Footnote 7 (continued)

call itself a court, which is a fraud on the public. As such, any proceedings maintained by this thing calling itself a State Bar Court, when it is not a Court, is a fraud on the Public and is void." (3000: 8-17); " I have indicated I have refused to take the oath and to submit to the jurisdiction of an entity fraudulently calling itself State Bar Court that has commenced these proceedings as my opposing party and counsel. As a result, you have no jurisdiction over me, ..." (3011: 24-25, 3012: 1-4); " You are void, there is no State Bar Court, it is a fraud on the public. All the papers that say State Bar Court, there is no State Bar Court; ergo, you are not a tribunal or entity. You have no authority to issue any subpoenas since you do not exist" (3104: 2-6); " I refuse to submit to the general jurisdiction of this entity calling itself a State Bar Court when no such entity exists. I have refused to submit to the general jurisdiction of this entity by reason of

(continued next page)

...Where no authority exists, the pre-

Footnote 7 (continued)

the fact that it is void, it is my opposing party and counsel..." (3112: 7- 12); " The law is they don't exist, because they have no authority to subpoena or compel them to testify" (3014: 13-17); " The State Bar Court is void, they don't exist; that is an alleged entity maintaining these proceedings, it is void, the subpoenas are void on me" (3014: 13- 23-25); " As I previously indicated, this entity that purports to be a State Bar (sic-State bar Court) is void. It has not authority to ask any questions of any witnesees, or maintain any proceedings, or misuse attorney's dues for its own corrupt purposes" (3018: 1-5); " There is an additional ground on all these objections. The state bar has no subject matter jurisdiction over any of these charges, every one of these charges is beyond the purview of professional conduct of an attorney, and it was known by the State Bar that they have no subject matter jurisdiction over any of these charges, as well as the fact they are void. There is no State Bar Court, the entity is non-existent; ergo, they were never passed by state bar amendment; (sic-constitutional amendment); ergo, there is no State Bar Court. All proceedings entertained in State Bar Court in the name of the State Bar Court are void, as well as the attempt to compel any lawyer, or any witness to appear here, as well as the fact you are disqualified as prosecutor from inquiring of me of and concerning any matters since I am your

(continued next page)

tended officer is merely a usurper, to whose acts no validity can be attached... Norton v. Shelby County, supra, at p.449)

Although Norton v. Shelby County, supra holds a state determines it's courts, no state court was ever permitted to hear the voidness of the state bar court, before first one of it's volunteers, who was not competent, recommended disbarment, and then another one of it's volunteers, ex parte, without notice or hearing, purported to make the attorney " inactive," then have her imprisoned as a criminal. (8)

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(7) (continued from prior page)
opposing counsel and party in the two ongoing litigations that precede this, even though my record as an attorney is totally clean for 17 years" (3023: 5-25,3024: 1-5)

(8) The state bar may have one solo volunteer sit in any proceeding.Section 6079(c) state bar rules of procedure,rules 100,558 450. The volunteer is described in state bar rule 100," State Bar Court," The State Bar Court consists of members of the State Bar and non-lawyers appointed by the Board of Governors (of the state bar) and two non-lawyers appointed by the Governor.
(continued next page)

The voidness of proceedings maintained by a non-existent court, and an attorney's duty to support her and 28 million state citizens' rights to vote to create their courts, by refusing to participate or take an oath to a void court, are serious constitutional issues presented to the solo

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(8) (continued)

The foregoing shall be of officers of the State Bar Court and shall be known as referees..." Rule 790, Appointment of Designated Referees," provides, "involuntary inactive orders,"The Presiding Referee of the State Bar Court shall designate a panel of referees of the Hearing Department, who shall sit as single member units and who may order the involuntary inactive enrollment of an attorney ..." Section 6079 (b) permits the Presiding referee to appoint one retired judge to hear disciplinary proceedings,instead of the three man required panel. Although the one volunteer's disciplinary recommendation is reviewed by the review board of the "state bar court," before the recommendation of the state bar may be sent to the state supreme court, rule of procedure 450, section 6078, which issues the only order after De Novo review,inactivity may be done by only one non-lawyer with no rights to any review before the taking. Conway v.state bar, 47 Cal.3d.1107.

volunteer in the disciplinary proceeding. See Harley v. Schuyvill 476 F. Supp. 191 (E.D. Pa. 1979), where " the refusal to perform an unconstitutional act is a " separate right secured by the (United States) Constitution." (9)

The Nuremburg trials bear witness a professional with a special oath to the People may not just claim to be following orders. An attorney with an oath to the People must, no matter what, fulfill that oath to support the People and their state and United States Constitutions.Sec.6067.

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(9) What does an attorney's oath to the People and their Constitutions mean ? Does it not mean an attorney is obligated to refuse to cooperate with a private group usurping the People's constitutional rights to vote and refusing to recognize or cooperate with it's void court never voted on by the People ? If an attorney appears and defends before a void entity, swears to it, then they are violating their oath to the People and their Constitutions and assisting the destruction of the People's right to vote.

Petitioner Attorney submits the state bar court statute is in direct violation of the People's Constitutional rights to vote to create their own courts, and is an unlawful delegation of public power to private persons.refer footnotes 4,6,7,9.

Other Constitutional issues were raised that barred the disciplinary proceedings, the charges, and the jurisdiction of this alleged " state bar court,"and any claimed findings and recommendation of the solo volunteer. (10)

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(10) The charges brought under the " Offensive Personality statute" are unconstitutional, on their face, and as applied, as having an offensive personality is not cause for disbarment. (charges 2,4,5,6,7,8) section 6068(f). Said section 6068 (f) states," it is the duty of an attorney to abstain from all offensive personality." Since all of the charges were brought by opposing counsel in on-going litigation, see appendix 51-52, state law (sec.6076, rule 7-104) and the Sherman Anti-Trust Act voided the proceedings. Since all of the charges, except 1 and 9, concern privileged speech, thought, opinion, and conduct, the First

The referee indicated he had no jurisdiction to hear any law, legal or constitutional issues. (11) Article 3, sec. 3.5 Ca. Const. prohibits any administrative agency or board ruling on the constitutionality or unenforceability of any statutes, such as the state bar court statute, the offensive personality statute or any First Amendment issues concerning non-application of disciplinary statutes to Speech.

The solo volunteer recommended disbarment

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(10) (continued)

amendment barred the proceedings, except on charges 1 and 9. The charges and the state bar were barred as a board as the state bar is opposing counsel and party in on-going civil litigation. Gibson v. Berryhill, 411 U.S. 564 (1973).

(11) The referee said," My authority is a very limited one, to hear the charges." (RT:121:31:19-25-33:1-17; disqualification of the entity as her opponent was beyond his "limited jurisdiction to hear the motion,"(RT:124:13-19); he considered he had "no general jurisdiction,"(RT:124:17-21;"no general power," (RT: 22-25); "not a court of general jurisdiction,"(RT:79:7-22 "limited in jurisdiction."(RT:16:21-25,17)

January 9, 1989. He never addressed the constitutional issues presented. Footnote 11 and face of charges indicate they deal with freedom of speech. Appendix 53. Pursuant to rule 562, a motion for a de novo hearing due to physical, mental and legal incapacity of the 83 year volunteer was filed January 19, 1989. (12)

The same day the state bar examiner filed a new proceeding under the involuntary inactive enrollment statute to enforce the 83 year old's recommendation as if it were a final decision. He claimed it was a final decision. The state supreme court makes the only final decision, sections 6077, 6078. The recommendation

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(12) Rule 562, rules of procedure," Within ten days after service of the decision in proceedings which are subject to review by the board of governors...either party may serve and file a written statement,in support of reconsideration... of the decision and by separate document, an application for hearing de novo."

of the volunteer is only advisory to the " Review Board" of the alleged "state bar court". refer footnote 14. It makes it's own independent findings, and conclusions. State bar rules of procedure 450-453. It can not decide the constitutionality of the state bar court or of any the statutes or the applications. Art. 3, section 3.5, Ca. Constitution. It is this Review Board's recommendation that is then sent to the state supreme court. Sections 6077, 6078. The state supreme court undertakes De Novo review. It decides all law issues, as no one in the state bar may do so. Article 3, sec. 3.5, Ca. Const. Brotsky v. state bar of California (1962) 19 Cal. Rptr. 153, 368 P.2d.697.

Thus, the examiner's ex parte representation to the second volunteer that there was a decision of a " state bar court", contained in his Involuntary

Inactive enrollment papers on January 19,1989, was a knowingly false statement. The only decision is that of the state surpeme court, and the only recommendation that is forwarded to them is that of the Review Board of the alleged " State Bar Court." (14)

When the state bar examiner filed his " Involuntary Inactive Enrollrollment"

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(14)

State bar rule of procedure 560 provides,relative to a volunteer's recommendation," except as provided in rule 452, it shall be the final decision of the state bar court unless a timely application or request under rules 450 or 562 is filed with the clerk." Rule 450 provides, " Review,"(a) any party seeking review by the review department of a decision by the hearing department filed under rule 560 shall serve and file with the clerk..a written request for review " within 15 days after service of the hearing department's decision.Rule 453(a) provides,"In all matters before the review department, that department shall independently review the record and may adopt findings, conclusions and a decision or recommendation at (continued next page)

application on January 19, 1989, he knew a motion for a de novo hearing had been filed that day, and that the attorney had ten more days to file with the Review Board.

He submitted those papers, ex parte, without notice or hearing to the attorney, to a second volunteer, Mr. Dewald, who entered the order without notice or hearing.

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(14) (continued)

variance with the hearing department." However,the effect of any action of the Review Department is not that of any decision, but is solely advisory. Section 6078 states,"Power to discipline...," " After a hearing for any of the causes set forth in the laws of the state of California warranting disbarment, suspension, or other discipline the board has the power to recommend to the Supreme Court the disbarment or suspension from practice of members." As stated in Chronicle Pub.Co.v. Superior Court in and For City and County of San Francisco,(1960) 7 Cal.Rptr. 109, 354 P.2d.637,54 C.2d.548, the state bar acts as an arm of the court for the purpose of taking evidence and making its recommendations... and state bar's recommendations are merely advisory in character."

The "Involuntary Inactive Enrollment proceedings," are contained in section 6007. The first sections deal with those who are confined to mental hospitals or institutions. They are not at issue. The section at issue here is section (c). (15)

The state bar examiner claimed the attorney posed a " substantial threat of harm to the interests of the Public," and not to any clients as she has no client complaints and no malpractice. see Lebbos v. state bar, United States Supreme Court docket no. 89-5357. He claimed her speech posed this danger to

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(15)

Section 6007 (c) (1), as added 1988, entitled " Involuntary,inactive enrollment," states, " the Board (of Governors of the State Bar Association) may order the involuntary inactive enrollment of an attorney upon a finding that the attorneys conduct poses a substantial threat of harm to the interests of the attorney's clients or to the public"

the Public. see Lebbos v. state bar, United States Supreme Court, docket no. 89-5357.

Neither the statute nor the rules require notice to the attorney of the involuntary inactive enrollment application. (16) The state bar has exempted itself from the due process requirements applicable to all other state licensing or court procedures. Section 6001. refer reference to this exemption in Keller v. state bar, United States Supreme

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(16) Section 6007 (c) (1) has no notice or hearing requirements. State bar rule 791, entitled," Filing and service of application for involuntary inactive enrollment; setting of hearing," provides " The Office of Trial Counsel shall file a verified application with the Office of the Clerk of the State Bar Court ...Upon filing, a copy of said application with supporting documents, to gether with the notice of hearing, shall be served by certified mail to the attorney at his or her last registered address as reflected in the State Bar membership records ..."

Court, supra, now pending. (17)

Although the separate statute, section 6002, provides service is to be done by certified mail, return receipt requested, (18), the state bar rule violates this statute by providing for solely mailing by certified mail, with no need for receipt, return receipt or proof of receipt. refer footnote 16, state bar rule of procedure 791.

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(17) Section 6001, states, "The State Bar is a public corporation...No law of this state restricting or prescribing a mode of procedure for the exercise of powers of state public bodies or state agencies, or classes thereof,including but not by way of limitation, the provisions contained in Division 3 (commencing with Section 11000) Division 4 (commencing with sec. 16100), and Part I (commencing with Section 18000) and Part 2 (commencing with Section 18500) of Division 5,of Title 2 of the Government Code, shall be applicable to the State Bar unless the legislature so declares."

(18) Section 6002.1 (c), provides,"the notice initiating a proceeding conducted under this chapter may be served upon the member or former member of the State Bar to whom it is directed by certified mail, return receipt requested...."

The involuntary inactive statute has no hearing requirement, and the state bar rule 792 waives one if the attorney does not request one, even if the attorney is never served. (19)

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(19)
Section 6002.1 provides," The service of the mailing is complete at the time of mailing...." (emphasis added) State bar rule of procedure, rule 792, entitled, " Attorney's Response to Application; within 10 days to protect right to hearing," provides," The attorney against whom the Application for Involuntary Inactive enrollment is directed shall have ten (10) days from the date of service of the application by certified mail to file with the Office of the Clerk, State Bar Court a verified response and a request that the hearing which has been set pursuant to rule 791 be held. Failure to request a hearing by the attorney will constitute a waiver of the right to a hearing." Rule 793, entitled," Circumstances under which Hearing will be held, provides,"Upon the expiration of the ten (10) day period precribed by rule 792,the referee shall conduct the hearing which has been set if; a) the attorney has timely filed a request under rule 792,b) with-in three days (3) of the expiration of the attorney's time to respond as prescribed in rule 792, the Office of Trial Counsel requests that a hearing be held; or c) the referee designated under rule 790 has determined that the previously set hearing will materially contribute to the decision ."

With no service on the attorney, a volunteer entered an order of involuntary inactive enrollment February 14, 1989. (20). He claimed he was a " state bar court." He determined a hearing was not necessary nor was notice to the attorney. Lebbos v.state bar, United States Supreme Court, docket nos. 89-5357, 5950. refer footnote 19, service is complete on mail-

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(20)
State bar rule of procedure, rule 794, entitled, " Decision of Referee; Denial without prejudice," provides, " The referee shall render a decision... which shall be filed in the Office of the State Bar Court and served on the attorney and the Office of Trial Counsel no later than five (5) days after the date set for hearing,if no hearing is held, or no later than five (5) days after the hearing, if said hearing is held...." State bar rule of procedure rule 795, entitled," Notice to attorney and Supreme Court of involuntary inactive enrollment," provides," If the referee orders that the attorney be transferred to inactive status, notice of the involuntary inactive enrollment shall be provided to the attorney and the Supreme Court as provided in Business and Professions Code section 6081."

ing without receipt. This was mailed February 14, 1989 to take effect February 17,1989. Lebbos v. state bar, United States Supreme Court, docket nos. 89-5357, 5950.

At the end of the three day weekend, the Petitioner Attorney was cited for contempt and an arrest warrant issued when she appeared, as scheduled, on February 21,1989 for four of her clients in the Santa Clara Superior Court. She is the first attorney to be charged under the new criminal statute, which took effect January 1, 1989.

The same day the state supreme court issued it's decision in Conway v. state bar, 47 Cal. 3d. 1107, by a 5-2 vote, Appendix p. 6., upholding the civil involuntary inactive enrollment against certain, but limited constitutional challenges. The rationale was the need

to protect the Public quickly, but never addresses how " haste makes waste," as the referees are untrained volunteers and can decide no law, or evidence, nor may these volunteers ever claim to be a " state bar court." (21)

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(21)*

Unlike state agencies with certified administrative law judges, fixed, firm rules, prompt hearings and disposition of all law issues, the California state bar has devised a system where a non-certified state bar employee can bring 57 charges over freedom of speech. Then it takes six months to get a hearing. Then the hearing is before one solo volunteer. He may be senile. He rules he can decide no law and takes five weeks to handle what takes one hour in competent hands. Then another volunteer makes the attorney inactive ex parte. Then it takes another six months for the review board of the state bar court to hear the matter. It takes nine months for it to make it's recommendation. Then it takes another 6 months to a year for the state supreme court to review. In the meantime, the attorney is prohibited from working for years, yet she has been found guilty of nothing, and is a criminal if she protects her clients from these opponents and then imprisoned.

Petitions to declare the state bar court and the involuntary inactive statute and rules unconstitutional on their face, and as applied, were filed with the state supreme court and denied. Lebbos v. state bar, Ca. Supreme Court, docket nos.S009045 and S009842. This court denied review of the issues raised concerning the civil statutes. Lebbos v. state bar, United States Supreme Court, docket no. 89-5370. New constitutional issues and the Sherman Anti-Trust Act were raised concerning the criminal statute, and the state supreme court denied review. Lebbos v. state bar, Ca. Supreme Court, docket no. S011594. A Petition was filed with this court raising issues concerning the criminal statute. Lebbos v. state, United States Supreme court, docket no. 89-5950.

The Petitioner attorney was convicted of the new criminal charge September 14,

1989. Appendix p.4. An appeal is pending. No criminal defense counsel has been appointed as requested. The Petitioner attorney is indigent, due to first, the embezzlements caused by the principles involved in this case, and second, her law practice was bankrupted February 17, 1989 with this " inactive" material. (22)

The municipal court judge sentenced the Petitioner Attorney to six months in jail, then stayed the sentence on condition she use none of her valid state supreme court and Federal court licenses for three years, although none of her admitting courts had restrained her right to appear in their courts as their " Court

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22) refer Lebbos v. Judges, Santa Clara Superior Court, 883 F. 2d. 810 (Ninth Circuit) (1989); People v. Lebbos, Santa Clara Superior Court, Appellate Department, case no. CR1260.

Officer." This Petition is filed to review, by way of the state supreme court's denial of Habeas Corpus, these restraints on her right to work throughout the United States for three years. Refer appendix, p.5,28-end.

REASONS FOR GRANTING THE WRIT

I.

This Court has jurisdiction pursuant to Konigsberg v.State bar of California (1957),353 US 252, as the state supreme court's denial of hearing of the Petition for Habeas Corpus decides the Federal Constitutional and Sherman Anti-Trust Issues In favor of validity and restrains the Petitioner's constitutional rights to work in her profession, with her valid licenses

This Court has jurisdiction to grant relief from a denial of Habeas Corpus, which places immediate, irreparable, and devastating impairment of an attorney's right to work throughout the United States with her valid licenses from diverse state

and United States courts admitting her and licensing her to practice law in their courts as their " Court Officer," said restraints placed by a state municipal court judge, and not by her admitting courts. Fay v. Noia (1963) 372 U.S. 391.

The issue is whether a state court municipal court judge may prohibit a defendant attorney,upon conviction of a misdemeanor, not to use any of her valid and unrestricted licenses to practice law, granted by both state supreme courts and by United States Courts in the federal system, for three years, when the attorney is neither disbarred nor suspended by her admitting courts, and has never been found guilty of any misconduct. Are not the principles of Ex Parte Robinson 13 Wall. 335, 20 L. Ed. 646 (1870), barring a lower court judge from assuming jurisdiction over the right

to practice law of " Court officers," whose right to work is granted by a state supreme court, or the federal courts, and which are not under the jurisdiction of a state court municipal court judge, controlling ?

The state court municipal court judge has interpreted the new California criminal statute, Ca. Business and Professions Code section 6126 (b), to authorize him to order any attorney not to work in their profession throughout the United States, in any state, and in any court, if they are " involuntarily enrolled as inactive in membership with the California state bar association." This would compel all attorneys nationwide who wish to work with any of their licenses,if one of them is from the California state supreme court, to be forced to be " active" with the California state bar association,

other than pay it dues, in order to use any of their licenses in the United States and work in their profession. Pettitoner Attorney submits that the state of California trying to compel licensed attorneys to be " active" members of a state bar association, other than pay it dues, as a condition of working in the United States with their valid licenses, is an unconstitutional restraint on their freedom of association, speech, belief, thought, and opinion, and beyond the jursdiction of a state municipal court judge or the state of California. In re: Ruffalo 88 S.Ct.1222;Ex Parte Garland, 4 Wall.333, 8 L. Ed.370, (1867); Ex Parte Robinson 13 Wall. 335, 20 L. Ed. 646 (1870); Bradley v. Fisher (1870) 13 Wall. 335, 20 L. Ed. 646; Schware vs.Board of Bar Examiners 353 US 232,1 L.Ed.2d 796, 77 S Ct. 752 (1967);

Konigsberg vs.State Bar of California, 353 US 252, 1 L. Ed. 2d 810, 77 S Ct. 722 (1957); Titus vs. Supreme Court of Virginia, 94 S. Ct. 533, 534, 414 U.S. 1034, 38 L. Ed.2d 327, rehearing denied 94 S. Ct. 886, 4124 U.S. 1138, 38 L. Ed.2d 764.

II.

A state statutory scheme that compels licensed attorneys to be " active" members of a state bar association, other than pay it dues, or be imprisoned, raises serious issues of freedom of association, speech, thought, and belief, due process and equal protection of the law

California has devised a system where all licensed attorneys must submit to the political, personal, and legal activities and claims of a state bar association in order to be able to use their valid licensing from the state surpeme court. If they do not agree that the state bar may have it's own private

court,they can not work and face imprisonment for refusal to accept the state bar's claim they de facto license and not the state supreme court. (23)

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(23)
Article 6, section 9 of the California Constitution, provides, " The State Bar of California is a public corporation. Every person admitted and licensed to practice law in this state is and shall be a member of the State Bar ... Ca. Business and Professions Code section 6002, entitled, " members," states, "The members of the State Bar are all persons admitted and licensed to practice law in this state ..." Section 6003, "Classes of members," provides, " Members of the State Bar are divided into two classes: (a) Active members (b) Inactive members." Section 6004, entitled, " Active members," provides, " Every member of the State Bar is an active member until, by action of the board of governors as in section 6007 of this code provided or at his request, he is enrolled as an inactive member.Section 6005, provides," Inactive members are those members who have requested that they be enrolled as inactive members or who have been enrolled as inactive members by action of the board of governors as in Section 6007 by this code provided." Section 6006, entitled, " Retirement from practice; Privileges of inactive members," provides, " Inactive members are not entitled to hold office or vote or practice law..." Those who are enrolled as inactive
(continued next page)

State bar rule 799 requiring an attorney involuntarily enrolled as inactive in state bar membership must petition the alleged state bar court to be enrolled as active in membership means attorneys must submit to a private trade group court of opponents and competitors, and their act-

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(24) (continued)

members * * * as in Section 6007 of this code provided may become active members as in section 6007 provided.."Section 6007(c)(5) provides,"In the case of an enrollment pursuant to this subdivision,the board shall terminate the involuntary inactive enrollment upon proof that the attorney's conduct no longer poses a substantial threat of harm to the interests of the attorney's clients or the public." Section 6125 indicates " no person shall practice law in this state unless he is an active member of the state bar," and section 6126 (b) makes it a crime to practice law if involuntarily enrolled as inactive in membership with the state bar association.

State bar rules of procedure, rule 799 provides, " Petition- Reference to Hearing Panel, " A member who has been transferred to inactive status pursuant to this chapter may petition the State Bar Court to terminate such enrollment. . if the petition is in proper form, it shall be referred to a hearing panel..."

ing as a personal censor of the attorney's work in order to use their valid license to practice law. Refer footnotes 4-8.

This forces an attorney to violate their oath to support the People and their Constitutions, section 6067 and 6068(a). refer footnotes 4-8.

At issue is this court's decision in Lathrop v. Donohue, (1960) 367 U.S. 843, concerning whether an attorney may be forced to associate with, or " actively" enroll with a state bar association, and submit to it's claim to having a private state bar court, when such submission violates the attorney's speech, beliefs, opinion, and her duty to her clients and the Public to support their constitutional right to vote to create their own courts and elect and remove their own judges to their own courts and to oppose a state

legislature, state bar, and state supreme court purporting to destroy those constitutional rights by creating a state bar court never voted on, as required, by the People.

III.

A state statutory scheme that allows one non-lawyer volunteer of a bar association to enter "orders" without notice or hearing, depriving an attorney of her right to use her license to practice law, raises serious issues of the Police power of the state and due process of law

The Petition should be granted as the taking of the right to use a valid license to practice law from a state supreme court by a private volunteer raises serious issues of non-delegation of public power, and interference with the contracts of licensing of supreme courts, as expressed by this court in Eubank v. Richmond, 226 226 U.S. 142 and Schecter Corp. v. U.S., 295 US 495

. The taking without notice or hearing raises issues of fundamental due process

of law as expressed in Wilner v. Committee of Bar Examiners, 373 U.S. 105.

And the taking with no right to raise and have determined any legal or constitutional issues, such as the voidness of the proceedings due to the unconstitutionality of the statute creating an alleged state bar court, charges over Freedom of Speech and privileged conduct brought under an unconstitutional " Offensive Personality" statute claiming it is a disbarable offense to have an " Offensive Personality " and legal bars of no subject matter jurisdiction over pending suits, and a denial of a fair hearing due to physical, mental, and legal incapcity of the volunteer, as well as the disqualification of the state bar as party opponent, means any volunteer takes the right to work of any lawyer and may cause their imprisonment, without the attorney being allowed any

opportunity to have and have determined constitutional, legal, or evidentiary issues, in violation of Gibson v. Berry-hill, 411 U.S. 524.

IV.

A state statutory scheme that permits a state municipal court judge to prevent the use of licenses from state supreme courts and the United States courts raises serious issues of jurisdictional due process of law

This court should hear and determine whether a state can extend it's jurisdiction outside it's state to prohibit use of licensing granted by other state supreme courts and by Federal Courts in the United States, and whether a municipal court judge may impair that licensing by these other courts,or whether such assumptions of extraterritorial jurisdiction by interpretation of a new state criminal statute deny an attorney subtantive and procedural due process of law, under

principles enunciated in Ex Parte Robinson, supra, Ex Parte Garland, (1867) 71 U.S. (4 Wall.) 333, Bradley v. Fisher, Cummings v.Missouri, (1867) 71 U.S. 4 Wall.) 277, and In re: Ruffalo, supra.

V.

A state statutory scheme that a volunteer transfers an attorney from active to inactive state bar membership because of his personal definition of " conduct posing a substantial threat of harm to the interests of the Public," with the volunteer defining his " Public", his "harm," and his "interests," raises serious issues of uncontitututional overbreadth, on its face and as applied, vagueness, and unlawful delegation of Public policy to a private person

Since the criminal statute is based on an order of involutary inactivity in state bar membership being made by a volunteer, calling himself a " state bar court," and based on his personal and uncontrolled definition of " conduct posing a substantial threat of harm to the interests of

the Public," section 6007 (c), are not the controlling principles of facial invalidity due to obvious overbreadth, and/or vagueness, and the principles of non-delegation of public policy matters to private persons, here applicable to void the criminal statute and not allow the state of California to change 672 years of consistent law and take attorney's rights to use their licenses for their freedom of speech. Any review of the underlying charges indicates there are about 57 charges of Freedom of Speech of both clients and their attorney at issue. Appendix, p. 53. See Massachusetts v. Oakes, 105 L.Ed.2d 493, and an identical statutory standard held invalid in Housworth v. Glisson, 485 F. Supp. 29,(N.D. Ga.). See also In re: Snyder, 472 U.S. 634, 105 S. Ct. 2874, 86 l.Ed. 2d. 504 (1985), (an attorney criticizing the

administration of Justice in a court, does not warrant discipline.)

Are attorneys of common understanding and intelligence going to be forewarned that their Speech is " conduct posing a substantial threat of harm to the interests of the Public," as defined by a private volunteer opponent, such that their practices shall be bankrupted overnight and they imprisoned as a common criminal by allowance of such a vague and unintelligible standard ? see Grayned v. City of Rockford, 408 U.S. 104, 108-109, 33 l. Ed. 2d. 222, 92 S. Ct. 2294 (1972)

VI.

The state statute instructing a board of Governors of a trade group to create it's own state bar court raises serious issues of unlawful delegation of public power to private persons

Section 6086.5, providing " The Board shall create a state bar court," which purports to delegate the public power to

create a court in the state to the private membership board of governors of the state bar association, raises serious issues of unlawful delegation of public power to private persons, as held in a similar case in Eubank v. Richmond, supra. May a state legislature delegate the public power to create a court to a group of 22 private citizens ? And when that legislature has already been forbidden by the People to create any new courts ? see footnote 6 describing private composition of the board. If an attorney knows this court is unconstitutional, may they lose their right to work and be imprisoned for refusing to violate their oath to the People and their Constitutions ? see footnotes 7,8,9.

CONCLUSION

Petitioner Attorney respectfully requests that the order of the San Jose

Municipal Court judge prohibiting her from using her valid state and Federal licenses to practice law for three years and her criminal conviction be voided on the basis that the criminal statute is unconstitutional, on its face and as applied.

It criminalizes the exercise of an attorney's freedom to refuse to actively associate with a state bar association, other than pay dues. It delegates judicial power to private persons of a trade group to take the rights to work of their own opponents and imprison them. It does so with no procedural due process of law as there is no service, notice, or hearings required for " inactivity," and the attorney may never raise nor have determined any legal or constitutional issues prior to being subject to a volunteer's order making them a criminal.

It criminalizes the exercise of protected First amendment freedoms of speech, thought, opinion, and belief, by enforcing a standard that is both overly broad and vague on it's face, to wit, " conduct posing a substantial threat of harm to the interests of the Public."

It violates the Sherman Anti-Trust Act Act, as a combination and conspiracy of private opponents and competitors in restraint of the trade and commerce of their competitors and opponents, and is beyond the Police power of the state as not for the Public's health, safety, and welfare, but is a special interest crime for private persons to be able to imprison their own private opponents and competitors.

The criminal statute is unconstitutional, as when read in conjunction with the state statutes purporting to allow a private volunteer to call himself a

" state bar court" and make orders taking rights to work of lawyers, it forces 122,300 California attorneys to violate their oath to support the People and their Constitutional rights to vote to create their own courts, and forces attorneys to let private people create a void court, or be imprisoned for refusal to violate the People's Constitutional rights to vote in the state, and pursuant to Cox v.Louisiana 379 US 536, 13 L. Ed. 2d. 471, 85 S Ct. 453, lets a private person create and define his own personal crime.

RESPECTFULLY SUBMITTED,

January 21, 1990

Betsy Warren Lebbos

BETSEY WARREN LEBBOS
Petitioner/ Attorney

VERIFICATION

I, BETSEY WARREN LEBBOS, am the Petitioner Attorney in this matter. I have read the foregoing and know it's contents to be true, to the best of my knowledge, information, and belief, and made and entered this 19th day of January, 1990 at San Jose, Ca.

Betsey Warren Lebbos

BETSEY WARREN LEBBOS
Petitioner Attorney

Supreme Court, U.S.
FILED
FEB 2 1990
JOSEPH F. SPANIOL, JR.
CLERK

89-1460

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1989

BETSEY WARREN LEBBOS,

Petitioner

vs.

SAN JOSE MUNICIPAL COURT

Respondent

APPENDIX TO PETITION

BETSEY WARREN LEBBOS
P.O. Box 40
New Almaden, Ca.
95042-0040
408-279-3100

January 21, 1990

Petitioner Attorney
Pro Se

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SUPREME COURT OF THE

STATE OF CALIFORNIA

Be it Remembered that upon certification of the Examining Committee of the State Bar of California and by Order of this Court BETSEY WARREN LEBBOS was admitted as an Attorney and Counsellor at law and has taken abd subscribed the oath as required by law and is hereby licensed as such Attorney and Counselor to practice in all the Courts of the State.

In Witness Thereof, I have hereunto set my hand and and affixed the offic ial seal this 18th day of July, A.D. 1975.

G E Bickel

seal

Clerk of the Supreme Court of the State of California

Appendix 1

Return this portion with your check-
Do not fold

THE STATE BAR OF CALIFORNIA 1989

Membership Fee Notice

Betsey Lebbos

64842

Sections	Fee	Add
Antitrust	$25	
Business law	$25	
Criminal law	$25	
Estate Planning Trust and probate	$25	
General Practice	$30	
Intellectual Property practice	$30	
International law	$30	
Labor Law	$30	
Law Practice Management	$35	
Legal Services	$25	
Litigation	$35	
Public Law	$30	

Appendix 2a

Real Property law	$30
Taxation	$30
Worker's Comp	$30
SECTIONS TOTAL	

1989 MEMBERSHIP FEES SECTIONS

PAID

7/06/89

THE STATE BAR OF CALIFORNIA

Scaled fees _____

Sections Additions_____

Donation/ $ 25 or more_____

New Total $ 417

Appendix 2b

1989 State Bar membership free statement Instructions

FEE PAYMENT

Your fee bill has two copies. Keep the one marked " Member's copy" for your files and return the remittance copy. If you change the total amount due by adding sections Memberships or by including a contribution, please be sure the " New Total" line includes these changes. Be sure that the " State Bar c/o First Interstate Bank" mailing address appears in the window of the return envelope. Please do not send your payment directly to the State Bar.

Voluntary Public education and professionalism Fund

- Write the amount you wish to contribute on the " Donation" line, then enter a revised figure on the

" New Total" line.

- SECTION MEMBERSHIP

To join a state bar section

- Check the appopriate box

-Write the amount of section dues in the Sections Additionals and add the revised figured on the " New Totals' Line

- ØTHER INSTRUCTIONS;
ADDRESS CHANGE

To notify the state bar of a change of address

- Do not change your address on the statement
- Instead, use the adress change information request card
- Mail the card separately from your fee payment

Appendix 3b

MUNCIPAL COURT OF CALIFORNIA

SANTA CLARA COUNTY JUDICIAL

DISTRICT, SANTA CLARA FACILITY

FILED

AUGUST 7, 1989

The People of the state of California, Plaintiff vs. Betsey Warren Lebbos, Defendant	no.C8914178 Dept. 22

We, the jury in the above entitled cause, find the defendant Guilty of a Misdeameanor Business and Professions Code section 6126 (b), to wit: unauthorized practice of law, as charged in the complaint.

Carol J. Bower

Foreperson

Dated: 8-7-89

Verdict

Appendix 4a

SAN JOSE MUNICIPAL COURT
SENTENCING ORDER, September 14, 1989

letter dated 9/5/89 locked with crt w/k

BETSEY LEBBOS Hearing. Probation and
6580 Northridge Dr. Sentencing
San Jose, Ca. 95119 agency CN-0
4300-271
Judge. Hon.Leon P. Fox Conner

Reporter Meredith Brown status o-wo
SUPO

attorney John Holly

charges M(01) BP 6126(b)

X defendant present x attorney present

x hrg on Motion New Trial

Motion x denied

x Writ of Corum Nobis denied

Attorneys' fees $ 1000 to Mr. Holly

Appendix 4b

Court x formal provation granted for a period of 3 years from the date of this order

Conditons of probation follow....

Pay to ... P.O.

Pay fine of $ 500

pen. assmnt $ 650

A/R fee $ 30

Resti. Fund $ 50

Amount due $ 1230

Serve 180 days x suspend

PC 2900.5 1 days to be served

Counseling Prog m

150 hours volunteer work as directed

by P.O. S.A.P. report within 10 days

NOT TO PRACTICE LAW AS AN ATTORNEY

Clerk of the Above Entitled court

MittyDuk

Ms. lebbos

SAN JOSE SENTENCING ORDER

HON. LEON FOX, 9/14/89

Appendix 4c

ORDER DENYING WRIT OF HABEAS CORPUS

CRIMINAL NO. SØ1280-

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

SUPREME COURT
FILED

January 3, 1990

In re Betsey Warren Lebbos on Habeas Corpus

IN RE BETSEY WARREN LEBBOS ON HABEAS CORPUS

Petition for Writ of Habeas Corpus DENIED.

Lucas

Chief Justice

Appendix 5

CONWAY V. STATE BAR OF CALIFORNIA

255 Cal.Rptr. 390

(February 21, 1989)

is omitted due to inability to replicate within limitations

endorsed
FILED
October 5, 1989

Grace Yamakawa

By Dos

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

People of the state California, Petitioner vs. Betsey Warren Lebbos Defendant	CASE NO.132304 ORDER

The court has considered the petition for writ of habeas corpus. Althought the Petition shows the title of court as appellate department, there is no record of it pending appeal before the appellate department. The matter is properly before the superior court and not the

appellate department. The presiding judge assigned the matter to the undersiged.

The Petition is not accompanied by the record required by California rule of Court section 56 (c). The order which petitioner seeks to vacate is not included as part of the record.

The Petition does not alleged why the remedy at law is inadequate.

It appears that a main contention of petitioner has been rejected by the California Supreme Court in Conway v. state bar 47 Cal. 3d. 1107 (1989)

The Petition is denied.

Dated; October 5, 19089

LESLIE C. NICHOLS
JUDGE OF THE SUPERIOR COURT

Appendix 29

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

SIXTH APPELLATE DISTRICT

FILED

SEPTEMBER 21, 1989

Court of Appeals

six. appellate

BETSEY WARREN LEBBOS	No.HØØ6188
On Habeas Corpus	Superior Court no. C8914178

BY THE COURT

The Petition for writ of habeas corpus is denied.

(Agliano, P.J.and Cappacioli, J. participated in this decision)

Dated: September 21, 1989

CAPPACIOLI, J. ACTING P.J.

Appendix 30

COURT OF APPEAL OF THE STATE OF CALIFORNIA

IN AND FOR THE

SIXTH APPELLATE DISTRICT

FILED

OCTOBER 27, 1989

Court of Appeals

six. appellate

BETSEY WARREN LEBBOS	No.HØØ6297
On Habeas Corpus	Superior Court no. C8914178

BY THE COURT

The Petition for writ of habeas corpus is denied.

(Agliano, P.J.and Cottle, J. participated in this decision)

Dated: October 27, 1989

AGLIANO, P.J.

Appendix 31

SUPREME COURT OF STATE OF CALIFORNIA

BETSEY WARREN LEBBOS Petitioner vs. San Jose Municipal Court Respondent	Docket no.S012801 Ct. of appeal no. H006188, Superior no. none assigned Mun. Ct. C8914178 PETITION FOR HEARING OF DENIAL OF HABEAS CORPUS BY APPELLATE COURT

SUPREME COURT

FILED

NOVEMBER 7, 1989

BETSEY WARREN LEBBOS
P.O. Box 40
New Almaden, Ca.
95042-0040

408-279-3100

Petitioner/ Attorney

SUPREME COURT OF STATE OF CALIFORNIA

BETSEY WARREN LEBBOS Petitioner	Docket no. Ct. of appeal no.H006188, Superior no. none assigned Mun. Ct. C8914178
vs.	PETITION FOR HEARING OF DENIAL OF HABEAS CORPUS BY APPELLATE COURT
San Jose Municipal Court Respondent	

Pursuant to California Rules of Court Rule 50(b) Petitioner Attorney Betsey Warren Lebbos, petitions for hearing of a denial of a Petition for a Writ of Habeas Corpus directed to the Municipal Court of San Jose, in order to void the attempt of a state

Municipal Court Judge to impair the right of an attorney at law to use her valid and unrestricted licenses to practice law of her admitting and licensing Courts in both the United States Court system and the diverse State Courts of the United States. (Exhibit A).

In support of this Petition, the Petitioner says that it is unconstitutional for a state municipal court judge to attempt to interfere with licensing and admission of " Court Officers, " of the Courts of the United States Federal Court system, which are not part of the state of California state system, as a state judge's jurisdiction may not extend to the seprate and autonomous Federal Court system. Ex Parte Robinson, 19 Wall. 513 (1873); In re: Ruffalo, 88

S. Ct. 1222.

Further, it is unconstitutional for a state municipal court judge to attempt to interfere with or limit the right to practice law of a" Court Officer" admitted and licensed by the state supreme court of the Commonwealth of Massachusetts, a separate and autonomous state sovereignty within the United States of America, which state sovereignty is in no way under the jurisdiction or regulation of a court of the state of California or any judge or private volunteer thereof within its state system. Ex Parte Garland, (1867) 71 U.S. (4 Wall) 333, Bradley v. Fisher, (1870) 13 wall. 335, 20 L. Ed. 646, Ex Parte Robinson, supra, and Cummins v. Missouri (1867), 71 U.S. (4 Wall.) 277.

Further, the attempt by a municipal court state judge to prevent the use of a valid license granted by the state supreme court of the State of California and not impaired nor restricted by said admitting court, is unconstitutional as municipal court judges are without jurisdiction over said state Supreme Court admission and licensing. Ex Parte Robinson, supra.

Further, the underlying criminal statute, and internal rules of a state bar, making it a crime against the People of a state for a duly licensed and admitted attorney to use their valid license from a state supreme court if a private volunteer of a private membership trade group, ex parte, claiming he is an alleged but non-existent " state bar court,"

without notice or hearing,or grounds, transfers an attorney from active state bar membership to inactive state bar membership, violates Article 6, sections 1 and 9 and 16 (a), article 3, section 3, article 2, section 8, of the California state Constitution and the Due Process, Equal Protection, Bill of Attainder, Privileges and Immunities, Impairment of Obligation of Contracts, and First Amendment freedoms, and the guarantee of a Republican form of Government in a state provisions of the United States Constitution.

The request for hearing is so as to determine the limits of jurisdictional claims of a state municipal Court judge and that of a private volutneer of a trade group, state bar, that is limited to being a " Public Corpora-

Corporation," by mandatory provision of the state Constitution, and which jurisdictional claims conflict with all attorneys at law's duties within the United States to support the United States and state Constitutions, and their duty to refuse to take oaths to null and void unconstitutional trade group courts.

RESPECTFULLY SUBMITTED,

Dated: November 5, 1989

BETSEY WARREN LEBBOS

BETSEY WARREN LEBBOS
Petitioner/ Attorney

CIVIL NO. H006188

THE COURT OF APPEALS OF THE STATE

OF CALIFORNIA

SIXTH APPELLATE DISTRICT

BETSEY WARREN LEBBOS Petitioner vs. SAN JOSE MUNICI-COURT Respondent vs. PEOPLE OF THE STATE Real Party in Interest	CIVIL NO. H006188 PETITION FOR WRIT OF HABEAS CORPUS (Cal. Rules of Court, 56,5.60, related appeal

CIVIL NO. H006188

THE COURT OF APPEALS OF THE STATE OF CALIFORNIA

SIXTH APPELLATE DISTRICT

BETSEY WARREN LEBBOS	)	CIVIL NO. H006188
Petitioner	)	PETITION FOR WRIT OF HABEAS CORPUS
vs.	)	
SAN JOSE MUNICIPAL COURT	)	(Cal. Rules of Court, 56,5.60, related appeal
Respondent	)	
vs.	)	
PEOPLE OF THE STATE	)	
Real Party in Interest	)	

PETITION FOR WRIT OF HABEAS CORPUS

To the HONORABLE NAT AGLIANO, Presiding Justice of the Court of Appeals, and Associate Justices:

Petitioner, Betsey Warren Lebbos,

hereby petitions for the issuance of a Writ of Habeas Corpus directed to the Municipal Court of the State of California, County of Santa Clara, San Jose Facility, Santa Clara branch, of the State of California commanding said court to vacate its order sentencing Petitioner, on the basis that said order restrains her liberty in violation of the Constitution and laws of the State of California and the Constitution of the United States, as well as the applicable provisions of the Sherman Anti-Trust Act and violates the provisions of the Federal Racketeering and Influenced Corrupt Organizations Act. People v. Lebbos, San Jose Municipal Court, case no C8914178. A related appeal is pending in the Superior Court, but the municipal court has

failed to transmit the record to date. (Exhibit C)

By verified petition, it is alleged as follows:

I.

Petitioner is a duly licensed and admitted attorney at law for 18 years, fifteen in California. (Exhibit B).She has been neither suspended nor disbarred. Her debtor, state bar, claims it can create itself into an alleged "state bar court," have one of its private volunteers ex parte without notice or hearing, prevent any attorney from practicing law as a " harm to the Public." They then claim they can enforce this private taking of career, business, income, and clients and use of the valid license from the state supreme court, and right to

work, and create their own special interest, private crime as a Public offense against the State. Ca. Business and Professions Code section 6126 (b), as added January 1, 1989.

Petitioner Attorney is a defendant in case no C8914178, People vs. Lebbos. This charges her under a new 1989 statute with " holding herself out as entitled to practice law," while a volunteer of an alleged "state bar court" claims to have enrolled her involuntarily inactive February 17, 1989 as a member of their trade group. Business and Professions Code section 6126 (b). On July 7, 1989 the state bar of California accepted and processed her active state bar member ship dues. (Exhibit B)

The state bar is defendant's debtor and owes her money. Lebbos vs.

state bar, Sixth Appellate District Court docket no. H003074. They are also opposing counsel and party in a preceding civil suit concerning their failure to process embezzlement and mail theft complaints in order to secure bar votes for their existence and increased dues. Lebbos vs. state bar, First Appelate District Court docket no. A044635. Pursuant to Gibson v. Berryhill, 411 U.S.524 (1973), and state bar rule of professional conduct 7-104, this entity, it's agents, servants, and employees were disqualified from attempting to assert any jurisdiction over their own opposing counsel and party.

Notwithstanding their disqualification, an entity that is not permitted to exist in the state, an alleged " state bar court," claims one of its

volunteers on February 13,1989,effective February 17, 1989,without notice or hearing transferred their own opponent in civil litigation against them to inactive status as a member of the state bar of California under new statute Business and Professions Code section 6007 (c); state bar rule of procedure, rules 100, 789-798.

Pursuant to Ca. Constitution,article 6, section 1, no state bar court is permitted in the state of California. It is a Nullity and void as are all of it's claimed acts. Ca.Constitution article 6, sections 1 and 9, article 2, section 8, and article 3, section 3.

On the first business day following this ex parte, alleged " order" of the private volunteer, Mr. Dewald, your Petitioner was cited for con-

tempt of court and an arrest warrant issued, charging a violation of Business and Professions Code section 6126 (b), as added January 1, 1989. On August 7, 1989, the jury found her guilty. People v. Lebbos, San Jose Municipal Court, case no. C 8914178. On August 30,1989, September 18,1989, and October 6, 1989 Notices of Appeal were filed to the Appellate Department of the Santa Clara Superior Court. The Municipal Court acknowledged the Notice of Appeal of Septemer 18,1989. (Exhibit C). On September 13, 1989 Petitioner was sentenced to six months in jail, with the sentence suspended and Petitioner placed on probation for three years. Conditions of Probation are that she not use any of her valid Massachusetts, California, and Federal Court

licenses to practice law or lawfully practice law, payment of attorneys' fees and fines, " Awareness Counselling," 150 hours of volunteer work. Petitioner refused to accept probation. She had already requested mandatory bail on appeal. A Municipal Court judge or a state bar association has no jurisdiction over any state licenses from any state supreme courts or any licenses from the United States District Courts or Court of Appeals of the United States. Only admitting courts have such jurisdiction.There is no order from the Petitioner's admitting courts preventing her from using any of her valid licenses to practice law. Ex Parte Robinson, 19 Wall. 513 (1873); Ex Parte Garland, 4 Wall. 333, 18 L. Ed. 370, (1867); Bradley v. Fisher,

13 Wall. 335, 20 L. Ed. 646 (1870); Theard v. United States, La., 77 S. Ct. 1274, 354 U.S. 278, 1 L. Ed. 2d. 1342; In re: Ruffalo, 88 S. Ct. 1222, 390 U.S. 544, 20 L. Ed. 2d 117, rehearing denied 88 S. Ct. 1833, 390 U.S. 961, 20 L. Ed. 2d 874.

A Petition for a Writ of Habeas Corpus was filed both with the Superior Court and, due to its disqualification due to a decision of the Ninth Circuit Court of Appeals, Aida Madeleine Lebbos, et. al. v. Judges, Santa Clara Superior Court, et. al., Ninth Circuit Court of Appeals, docket no. 87-2105, and its' own prior disqualification for cause on the concomitant contempt, with this Court of Appeals. People v. Lebbos, Santa Clara Superior Court, case no. 132304; Betsey Warren Lebbos, on Habeas Cor-

pus, Court of Appeals,Sixth Apellate District Court, docket no. HØØ6188. On September 21, 1989, this Court denied the Petition for a Writ.(Exhibit D). On October 5,1989,the superior court denied the Petition.(Exhibit E) It has refused to date to appoint appellate criminal counsel, claiming they have not received the September 19,1989 notice of the appeal. (Exhibit F)

Petitioner is unlawfully restrained of her liberties, freedoms, and privileges at law by the order of sentencing and probation of September 13, 1989, entered in Department 21 of the San Jose Municipal Court.

II.

Petitioner Attorney was charged by complaint with " advertising or holding herself out as entitled to prac-

tice law, and practicing law, while involuntarily enrolled as inactive by the state bar in membership in their trade group, in violation of new statute, Business and Professions code 6126 (b). She was arraigned, entered plea of not guilty, filed motions to dismiss for unconstitu-ionality. The same were denied. The Jury was instructed an alleged order of a private volunteer of the associa Petitioner's debtor, the state bar tion, Mr. Dewald, purporting to make the defendant attorney inactive with-out notice or hearing, was valid. It was, of course, invalid,as without notice or hearing. The state bar repetitively acts without notice to take away Lebbos'rights to law. see Lebbos vs. State Bar, Sixth appellate district court, docket no.

H003074, decision of May 11, 1989, at page 8,"... an order obtained without notice may be attacked at any time. " Defendant's subpoenas for production of documents and witnesses were all quashed. The state bar admitted they made Lebbos inactive without notice or hearing.

III.

Petitioner attorney alleges that the order of sentencing is invalid and in excess of the court's jurisdiction in that the criminal statute is unconstitutional as an unconstitutional Bill of Attainder, and as a taking of the right to practice law of a validly licensed and admitted attorney who is neither suspended nor disbarred and with no due process of law, either procedural or substantive, nor notice, hearing, or court

action and no review, and in violation of the privileges and immunities accuring to all Attorneys at law in the United States, and in violation of the express prohibitions and illegal combinations and conpiracies of private persons in restraint of the trade and commerce of their own opponents forbidden and made a Federal crime by the Sherman Anti-Trust Act. Said selective enforcement of an unconstitutional statute is a violation of the Federal Racketeering and Influenced Corrupt Organizations Act, prohibiting the selling of official influence for private gain.

No volunteer of a private trade group can have a private crime to enforce his definition of " harm to the Public," and then purport to take property or liberty of an attorney

without notice or hearing, and especially not of his own competitor or creditor.

The new statutes allowing such private takings are modeled on the special interest, trade group courts of Communist China, c.f. article 25, Constitution of the People's Republic of China; see Hsia and Haun, the 1975 Revised Constitution of the People's Republic of China, Library of Congress, Law Library and LaFave, Law in the Soviet Society, " Soviet Procedures in Civil Decisions." The state bar court is an exact replica of the chinese communist trade group court model of party regulars taking fellow engineers or other professionals' right to work for " harm to the Public," without real courts, real judges,notice or hearing. Now Cali-

fornia, the first state in the nation to abolish a Republican form of government, is faced with the creation of a communist-modeled trade group court, of private volunteers taking their opponents'and competitors' right to work. Business and Professions Code section 6086.5, 6007 (b) (c), 6126 (b), 6084, all as added January 1, 1989.

The issues herein are not dealt with in Conway v.state bar, 47 Cal. 3d 1107, and were, in fact, never raised and did not deal with making an attorney inactive ex parte with no client complaints and for alleged " conduct posing a substantial threat of harm to the interests of the Public, " a matter outside the subject matter jurisdiction of a private trade group, and solely within the

domain of the elected, Public officials of the state. No decision has addressed the Sherman Anti-Trust and RICO prohibitions and violations herein contained, or the Bill of Attainder, Due Process of law, Privileges and Immunities, Republican form of government constitutional issues presented in this Petition.

Petitioner has no speedy or adequate remedy at law. She is currently deprived of her lawful right to work and earn a living and practice law by a municipal court judge who has no subject matter jurisdiction and is acting in excess of his limited jurisdiction. She is presently subject to unreasonable restraints on her freedoms and liberties, including the non-jurisdictional claims by a state municipal court judge purporting to

invade the exclusive jurisdiction of Petitioner's admitting courts in both the state systems and the United States Court system, and to prevent access to the United States Courts by state citizens and their counsellors at law by a state judge impeding the rights of state citizens to the United States courts and Federal law.

The offense of which she is charged is not a crime and can not be made a public offense. In re: Berry (1968) 68 C. 2d 137, 145, 65 CR 273, 279. No private volunteer of a trade group can, Ex Parte, without notice or hearing, make orders taking away a licensed attorney's right to practice law granted by the state supreme court and not impaired by her admitting court. The same violates the state and United States Constitutions

by making an innnocent act a public offense, is beyond the police power as clearly arbitrary and unreasonable bearing no substantial relation to the Public's health, safety, morals, or general welfare,is a private crime prohibited by the prohibition on spec ial,interest legislation of the state and United States Constitutions,is an unconstitutional Bill of Attainder, and is a taking of the right to use a vested license with no procedural or substantive due process of law, and violates the privileges and immuni-ities of attorneys nation-wide, their freedom of speech,and rights to asso-ciation and assembly, and constitutes an abrogation of the republican form of government in the state of Cali-fornia, an unlawful interference with interstate commerce, and constitutes

an unlawful delegation of public policy matters to a private volunteer. It also violates on its face the Sherman Anti-Trust Act and the Federal Racketeering prohibitions in it's operation.

As appears herein the conduct is not prohibited by the charged statute. In Re: Ayala (1957) 155 CA 2d 807, 318 P. 2d 698.

Habeas corpus is the proper remedy when the statute is unconstitutional on its face, or when it can not be constitutionally applied to the defendant, or when the conduct is not part of the crime. In re: King (1979) 3 C.3d 226, 90 CR 15;In re Kay (1970) 1 C. 3d 930, 83 CR 686, In re: Bevill (1968) 68 C. 2d 854, 862, 69 CR 599, 604, In re: Newbern (1960) 53 C.2d 786, 3 CR 364. And when the sentence

is in excess of the court's jurisdiction. In re: Estrada (1965) 63 C.2d 740,750, 48 CR 172, 178; In re: May (1976)62 CA 3d 165,133 CR 33.When it is an ex post facto law, Habeas Corpus may raise it.In re: Dewing (1977) 19 C. 3d 54, 136 CR 708.

This Petition incorporates by reference as if set forth in full herein the attached Supplemental Memorandum of Points and Authorities in support of Motion to dismiss.

Wherefore, petitioner respectfully prays that:

A writ of habeas corpus be issued by this court directing the Municipal court of the Santa Clara County to va cate its order of September 13,1989; and that said restraints be voided as beyond the jurisdiction of the court due to invalidity of the statute on

it's face and as applied to Petitioner, and for such other further and appropriate relief as the court deems just and proper.

By: Betsey Warren Lebbos
BETSEY WARREN LEBBOS
Petitioner / Attorney

VERIFICATION

I, BETSEY WARREN LEBBOS, do hereby declare as follows:

I am the counsel in this case. I am also the Petitioner and defendant.

I have knowledge of the foregoing, as it is based on my own personal knowledge, information, and belief.

I have read the foregoing Petition for writ of habeas corpus and know its contents to be true.

I declare under penalties of perjury that the foregoing is true and correct.

Executed this 15 th day of October, 1989 at San Jose, Ca.

RESPECTFULLY SUBMITTED,
Betsey Warren Lebbos
BETSEY WARREN LEBBOS
Petitioner / ATTORNEY

THE SAN JOSE POSE RECORD
Established in 1910

March 28, 1988 76 W. St.John Street
San Jose, Ca. 95113

COUNTY BAR SUPPORTS STATE BAR DUES HIKE

By Sally Douglas

With minimal discussion, the Santa Clara County Bar Association's Board of Trustees voted overwhelmingly in favor of " the state bar retaining control of the disciplinary system and to support the dues increase needed to reform that system."

That proposed increase will hike dues to $ 470 next year to pay for improvements in California's lawyer discipline system.

The sole "no" came from Cindy Ross, the President of the Barristers." The feeling of most of the barristers... was that even though we might person-

ally support the increase, we couldn't speak for all the barristers, especially a lot of barristers are in the position that I think a substantial increase could hurt them, said Cindy Ross, president of the Barristers.

The Barristers, a committee of the Santa Clara County Bar Association is an organizaton of all lawyers under 36 practicing for less than 6 years.

" I wanted to keep mindful of the thought the legislature's going to tinker with this anyway and leave room for people to join the concept without necessarily adopting, you and I disagree on this, some form of scaling, said John Miller, the attorney whe drafted the motion of the board, He is with Miller and Grilli and a Palo Alto Trustee.

Another attorney commented, " Incompetent counsel costs me money. I think private counsel here can agree, Maybe the counsel paid by government can say they cost them time, but in dollars and cents I have to do work that I don't get paid for because of someone on the other side who doesn't know what they are doing or shouldn't be practicing law, If it costs me $ 400 for each of my attorneys in my firm. I'd like to get rid some of those people. I think I can make money in the Long run. On a pure monetary basis, I'd like to get rid of them, said an attorney from Jackson, Brown, and Efting. He is a trustee from Sunnyvale/ Cupertino.

The vote Thursday night was preceded by a 45 minute talk by State Bar President Terry Anderlini, in

which he gave a background of the development of the discipline/ dues increase issue.

The $ 145 a year per year attorney to go for discipline system reform is included in legislation authored by state senator Robert Presley, D-Riverside. Anderlini asked the Santa Clara County Trustees to show unity in supporting the measure, which is to be to be heard sometime before April 15.

He told the bar that if the state-wide organization does not reform its discipline system, the power to recom mend disbarment and other punishment of lawyers must be turned over to the Department of Consumer Affair (DCA).

Anderlini asked the Santa Clara County Bar to consider the conse-quences of such a move, something he

said would leave non-lawyers who are politically appointed in a position to discipline lawyers.

THE STATE BAR OF CALIFORNIA

Office of State Bar Court
Senior Executive, Styart A. Forsyth

Court Clerk's Office, 818 Wesy
Seventh Street, Suite 201, Los
Angeles, Ca. 90017-3432
213-689- 6200

August 11, 1989

Robert F. Wandruff
Clerk of the Supreme Court
4250 State Building
San Francisco, Ca.
94102

In re: 86-O- 17453

In re the matter or Betsey Warren Lebbos (Mary A. Grilli, Esq., John Miller, Esq. Jeralyn Spradlin, Esq., complaining witnesses)

Dear Mr. Wandruff:

Enclosed please find the following record in the matter of Bestey Warren Lebbos:

1. Pleadings and orders as listed on attached index of Pleadings,

2, Notice accompanying service of Hearing panel decision' Declaration of Service and attached Decision

filed January 9,1989;

3. Certified copy of Minutes of the Review Department Meeting, adopted on June 22, 1989, and Declaration of Service Thereto;

4. Digest of Exhibits;

5. Certificate of the mailing of the information as to the filing of the record in the Supreme Court; and

6. Transcripts of testimony taken before a hearing panel of the State Bar Court, consisting of twenty-five (25) volumes.

Also enclosed are original exhibits which are being lodged with the Court.

The attorney has not had prior discipline imposed upon her.

COUNT ONE *

In or about December, 1985 you received the sum of $ 2,500 in trust for your client Robert Miller. You failed to deposit said funds in a client trust account, You commingled said funds with your own, You misappropriated said funds.
(* The misappropriation charge was dismissed). ....

COUNT TWO

On or about June 12, 1987, in the family law case of In re Rhedrick, you filed with the court an alleged copy of a court order, when in fact no such order had been signed by the Judge. ...

COUNT THREE *

1. DISMISSED.

3 (2)-On or about December 21, 1984,in the case of Lebbos v. Wooten,

judgment was rendered against you in the amount of $ 51,000. On or about June 6, 1986, in accord with an Order of Examination, your deposition was taken in an effort to determine your income and assets.At that deposition, you concealed assets from the judgment creditor. ...

COUNT FOUR

1. In about February, 1987 you became attorney for Sat Sandhir in the family law case of In re Sandhir, Santa Clara County Superior Court, No. 528229.

2. In or about February, 1987 you sought to disqualify Judge James Stewart from the Sandhir case. In doing so, you made false statements in your moving papers and in court in support of your effort.

3. In or about March, 1987, you

received a stipulation in Sandhir prepared by opposing counsel and signed by opposing counsel and her client. You altered the stipulation in Sandhir without the consent of opposing counsel. You submitted it to the court without informing the court that the allegations were made without the consent of opposing counsel.

4. When asked by The State Bar to explain your conduct, you made false statements in a letter dated August 12, 1987....

COUNT FIVE *

1. On or about March 25, 1987, and April 28,1987,in open court while you were present, Judge Franklin Elia disqualified himself from all cases involving you.

2. In spite of said disqualification, you appeared with clients in Judge

Elia's courtroom on or about July 13, 1987, July 20, 1987, and August 3, 1987, and resisted Judge Elia's efforts to reassign the cases to other judges.

3. The July 20, 1987 hearing concerned the matter of In re Slyvia. You called Judge Elia " an asshole." You asked your client to sign an affidavit that you did not do so.You charged attorney's fees to your client for the time spent in Judge Elia's courtroom.

(* the affidavit and attorney's fees charges were dismissed)

COUNT SIX

1. Since in or about 1986, you have repeatedly made offensive statements about judges, opposing counsel, and other persons connected with cases that you were involved in. The

offensive behavior was not required by the particular case.

2. The following instances of your offensive behavior occurred in 1986:

A. On or about September 14, 1986, you stated that Santa Clara County Superior Court is dirty and fails to follow lawful procedures.

B. On or about September 19, 1986, you filed a declaration in Lebbos vs. Wooten which contained repeated offensive attacks on judges in Santa Clara County.

C. On or about December 22, 1986, in the Bankruptcy of Betsey Lebbos, you accused Judge Rushing of making an illegal order; And accused Ms. Wooten and attorney Jeralyn Spradlin of stealing your mail.

3. The following instances of your

offensive behavior occurred in 1987:

A. On or about February 17, 1987, you stated that Judge James Stewart is incapable of understanding his oath of office, that he is reckless, that he is deliberately destroying a child's life, and that he is racially biased.

B. On or about April 4, 1987, you stated that Judge Stewart meddles beyond public decency, that he is bigoted, and that court attache Baron is a flunky.

C. On or about April 16, 1987, you circulated letters in Santa Clara County in which you made offensive comments about Judges Fogel, Stewart, Elia, and Rushing.

D. On or about July 20, 1987, you called Judge Elia " asshole" in front of your client and other

offensive behavior was not required by the justice of the particular case.

E. On or about August 18, 1987 , you sent a letter to the State Bar attacking Judges Elia, Fogel, Stewart, and the entire Santa Clara County Bench.

F. (1) On or about August 31, 1987, in the courthouse cafeteria, you shouted to Judge Jeremy Fogel he was " shit.

(2) On or about November 25, 1987, in front of other litigants and attorneys, you called the same Judge Stewart " slime."

G. On or about October 19, 1987, in <u>In Re Kemp,</u> You referred to Judge Thomas Black's pending criminal prosecution although it had no relevance to the matter before the

Court; b) You also made other charges against Judge Black without any factual basis to support them.

H. On or about November 25, 1987, you were held in contempt for your behavior in the Webber matter.

I. On or about August 10, 1987, you filed papers in the Marriage of Jones referring to attorney Olson as an abused child.

J. On or about August 17, 1987, you sent a letter to Family Court services, copy to Attorney Olson, accusing Olson of disbarable conduct, fraud, and other offensive statements.

4. The following instances of your offensive behavior occurred in 1988:

A. On or about February 12, 1988, you sent a letter to Commissioner Lois

Kittle accusing Judge Fogel of political protection of attorneys and accusing Ms. Kittle of being part of a criminal conspiracy.

B. On or about February 12, 1988, you sent a letter to Judge Stone, calling specified judges and attorneys stooges in drag; and accusing them of being part of a cover up.

C. On or about February 12, 1988, you sent a letter accusing Judge Fogel of covering up an embezzlement.

D. On or about February 17, 1988, you sent a letter accusing attorney Paul Jacobs of participating in, and covering up, an embezzlement.

E. On or about February 17, 1988, you sent a letter accusing Judge Fogel of covering up an embezzlement.

F. On or about February 20, 1988, you

sent a letter making offensive statements about Commissioner Kittle.

G. On or about February 29, 1988, in Munn v. Lebbos, you filed a 26 page declaration making many offensive statements about judges and other attorneys.

H. On or about February 23, 1988, you sent a letter to the State Bar attacking Judge Fogel.

I. On or about February 27, 1988, you sent a letter to Commissioner Kittle accusing the Family Law Court of causing mass murder and embezzlement.

COUNT 7

1. Since in or about 1986 you have made false statements about judges, attorneys, and other persons. Said statements were made with no factual basis to support them.

2. You made the following statements

A. In Lebbos vs. Wooten, at your deposition taken on or about June 6, 1986, you testified that you had so few client files that they fit in your desk. On September 19, 1987, you filed a declaration claiming to have approximately 1,000 client files at the same location.

B. On or about December 22, 1986, in the Bankruptcy of Betsey Lebbos, you claimed that a court order affecting your assets was illegal.

C. From approximately August through September 1986, you left messages on your answering machine stating that a Federal Grand Jury was investigating attorneys John Miller and Mary Ann Grilli.

D. On or about September 14, 1986, you stated that criminal charges and State Bar charges were being filed

against attorneys Miller and Grilli.

3. You made the following statements in 1987:

A. In or about April, 1987 you accused Judge Rushing of trying to bankrupt you out of spite.

B. On or about October 19, 1987 you accused Judge Black of awarding custody of the children in the Kemp matter without notice to the other party.

C. On or about November 23, 1987, you falsely represented to the Court of Appeal that the State Bar had decided not to bring charges against you based on Judge Fogel's Complaint.

4. You made the following statements in 1988:

A. In a letter dated February 27, 1988, you accused the Court of issuing an O.S.C. in Black v. Farley

without a supporting affidavit.

B. In a letter dated February 9,1988, you asserted that Judge Stone converted property of the Federal Court.

C. In a letter dated February 12, 1988, you asserted the existence of a federal court order to turn over moneys allegedly belonging to you.

COUNT 8

1. From and since early 1987, you have sought to disqualify all Santa Clara County Judges from hearing cases in which you are an attorney. Your initial motion to disqualify the judges was denied on or about April 30, 1987. Since then you have repeatedly filed the same or similar motions in subsequent proceedings, although there were no new facts to justify them.

2. After you lost various rulings in Lebbos vs. Wooten, you filed Lebbos vs. Judges of the Superior Court (United States District Court, N.D., CA, # C 86 20704 SW), which lawsuit was not just, and which lawsuit was commenced with the corrupt motive of passion and/ or interest.

COUNT NINE

On or about October 21, 1986 you filed Lebbos et al. vs. Judges of the Superior Court. In that suit you named Martha McCutcheon as a plaintiff. You did so without McCutcheon's knowledge or consent. ..,

Dated: February 26, 1988